TRIAL, CONVICTION AND IMPRISONMENT OF WEI JINGSHENG: HOW SHOULD IT AFFECT U.S. POLICY?

104
Y 4. IN 8/16: J 56
Trial, Conviction and Inprisonment...

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

OF THE

COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

DECEMBER 18, 1995

Printed for the use of the Committee on International Relations

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CONTENTS

WITNESSES

	Page
Ms. Wei ShanShan, sister of Wei Jingsheng, Chinese dissident and democracy advocate	3
Mr. Liu Qing, chairman, Human Rights in China	7

APPENDIX

Prepared statements:	
Ms. Wei ShanShan	19
Mr. Liu Qing	22
Additional material submitted for the record:	
Article from the Washington Post, December 17, 1995, entitled "How We Failed Wei Jingsheng," by Jim Hoagland	26
Statement by Human Rights Watch/Asia	27

TRIAL, CONVICTION AND IMPRISONMENT OF WEI JINGSHENG: HOW SHOULD IT AFFECT UNITED STATES POLICY?

MONDAY, DECEMBER 18, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS,
Washington, DC.

The subcommittee met, pursuant to call, at 2 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order.

Good afternoon. The whole world by now knows that the government of the People's Republic of China has held pro-democracy dissident Wei Jingsheng in prison for over 19 months without even acknowledging that it had arrested him.

Finally, on November 21st, the regime announced that it had intended to try him for, "attempting to overthrow the state." Throughout the time of his pretrial detention, which violated the Universal Declaration of Human Rights and every other applicable rule of international human rights law, not to mention basic standards of human decency, his family was finally unable to communicate with him or even know whether he was dead or alive.

He was also denied any contact with his legal counsel or with his friends or with his admirers and colleagues in the human rights movement.

By the time the Beijing regime had brought Mr. Wei to trial last week, the eyes of the world were clearly upon him.

Just a few minutes before his trial began, the House of Representatives passed a resolution urging that he be released unconditionally. This passed by a remarkably strong vote, a unanimous vote, a bipartisan vote of 409 to zero.

The Senate passed a similar resolution, and diplomatic representatives of the United States and other nations urged Beijing not to proceed with its persecution of Wei. In the face of that scrutiny, the regime nevertheless defied the opinion of the civilized world and sentenced Mr. Wei to 14 years in prison.

The charge of attempting to overthrow the state is absurd, except perhaps in the sense that any affirmation that there are alternatives to totalitarianism threatens the underpinnings of the totalitarian world. The American people, I can say, without any fear of

contradiction, stand united in outrage at the latest assault on freedom and democracy and decency by the government of the PRC.

The ordeal of Wei began in 1979 when he took the communist government at its word and wrote articles suggesting political reform. Wei, for this act of calling for freedom and for calling for democracy, earned a 15-year sentence in jail.

In late 1993, he was unexpectedly released on parole, a few months prior to the end of his sentence. This gesture, I would note parenthetically, was designed to induce the Olympic Committee to award Beijing as host of Olympics 2000. I would also note they didn't get it.

During his long and unjust imprisonment, he has been severely beaten and subjected to other forms of physical and psychological abuse. He was in extremely poor health but he also became a hero in the meantime, a symbol of courage and even of hope to a beleaguered people.

It was my privilege to meet Wei Jingsheng in Beijing in January 1994, during his very brief period of freedom. I found him to be extremely articulate, a man of great compassion and a man with high principles. He spoke of his quest for democracy and human rights and he did so with a very keen understanding.

Notwithstanding his horrific ordeal in prison, he never once slandered the leadership of the People's Republic of China. I was amazed at his lack of malice and his lack of rancor toward his jailers. I was deeply impressed by his kindness and his goodness, his strong sense that what he was offering the people and what others were offering to the people of China was simply democracy and respect for human rights.

A few weeks later, after meeting with Assistant Secretary of State for Human Rights John Shattuck, Wei was rearrested and for 19 months the Beijing Government would not even admit that they had him in its custody. He was cut off from communications and again he was cut off from his family and everyone who cared about him.

Now the problem before us is what to do about the plight of Wei Jingsheng, now that he has been through this show trial and now that he has been through the sentencing process. The only option that is off limits is for us to do nothing, to cave into the Chinese Government's position that what they do to their dissidents is purely an internal matter.

And I would just add, parenthetically, that's what some people would like us to do, to just shut up and go away. There are some in the business community, there are some who are lobbyists for the Government of the People's Republic of China, who would love nothing better than to see this Congress and the President of the United States and others who care about human rights to simply go away.

What positive steps can we take? Well, our two witnesses today are uniquely well-positioned to inform us on this. Our first witness is Wei ShanShan, sister of Wei Jingsheng. Ms. Wei is a graduate of the Beijing Fine Arts Institute. She left China in 1990 and settled in Germany as a painter and an art teacher.

This past April she took the dangerous and very courageous step of visiting China to appeal to the government on behalf of her

brother, who at that time was still being held incommunicado. Not surprisingly, she was totally stonewalled. Since her brother was sentenced, Ms. Wei has been in New York and in Washington calling attention to his plight. And all of us who care about human rights are very indebted for her love and compassion and her strength for speaking out on behalf of her brother.

Our other witness is Mr. Liu Qing. He, like Mr. Wei, was a founder of the pro-democracy group in China. Mr. Liu has been an outspoken supporter of Mr. Wei ever since his arrest in 1979.

Mr. Liu has published the transcript of Mr. Wei's first trial. As a result, he himself was detained for 3 years without trial and then sentenced to 7 years in the Chinese political prison system, also known as the Laogai.

After his release in 1979, Mr. Liu and his wife were granted exit papers and came to the United States in 1992. We are very glad and very pleased to receive him and his testimony today.

Without any further ado, I would like to yield to our very distinguished witness, the sister, Ms. Wei, if she could make her comments at this point.

STATEMENT OF WEI SHANSHAN, SISTER OF WEI JINGSHENG, CHINESE DISSIDENT AND DEMOCRACY ADVOCATE

Ms. WEI. [Through Interpreter.[1]]

Mr. Chairman and all the subcommittee members, my name is Wei ShanShan and I currently live in Hamburg, Germany.

I am very grateful to the subcommittee for giving me this opportunity to testify. I also wish to thank Congress for passing resolutions concerning my older brother, Wei Jingsheng.

On December 13th, the Chinese Government sentenced my brother to 14 years in prison for the counterrevolutionary crime of plotting to overthrow the government. My other brother and my sister attended the trial and I have learned from telephone conversations with them that Wei Jingsheng's health has been wrecked by prison life. While he was defending himself in court, the hearing had to recess for 40 minutes so that he could take medicine and rest.

Since 1979, my brother has spent 16 years in prison. In 1979, in Banbuqiao Detention Center, where Wei is currently being held, he was beaten by fellow inmates on the orders of the police and lost two teeth as a result. He did not get any proper medical treatment after the beating.

Whenever I went to visit him, I would be trembling inside. But in those unimaginably terrible living conditions, he was still cheerful, as in his picture here; even when he was emaciated, all skin and bones, even when he had only a few teeth left, he was still smiling. Sixteen years in prison has ruined his health. He has a heart condition, and before he was released in 1993, the authorities gave him drugs to fatten him up which caused him to suffer from high blood pressure as well. His health condition is now very serious and his family is very concerned about whether he can survive another long, harsh prison term.

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[1]Li Xiaorong, interpreter.

I grew up in Beijing with Wei Jingsheng. I know that everything he has done has been in order to change the corrupt and unjust things in China. This ideal was born in 1967, when he participated in the production of a small newspaper of a political character during the Cultural Revolution. As a result, he was detained for 3 months. After that, he had to hide in the countryside to avoid further persecution and there he saw the poverty and hardship in the life of the majority of the peasants at the lowest level of society, as well as many kinds of brutality and darkness in Chinese society.

These experiences raised doubts about communist theory in his mind. He began to think constantly about how to change this unjust society. That year, he was only 17; 12 years later, when Chinese society began to discuss the lessons of the Cultural Revolution, when people were hoping for a leader of the Nation who would be a bit better than Mao Zedong, in his writings Wei Jingsheng called for the implementation of a democratic politics, since he believed that the disasters which had happened to Chinese people since 1949 had been created by autocratic rule.

Because of this, he was sentenced to 15 years in prison by Dictator Deng Xiaoping who had just achieved power. After he got out of prison in September 1993, he still maintained his democratic ideals and continued to call for the authorities to implement political reform and to protect human rights.

When I went home to see him in October 1993, I found that he was using the money he earned from his writing and from his awards to help a number of the victims from the June 4th, 1989 Beijing massacre.

My brother has always opposed violent activities and secret organizations. He believes that if China is to achieve the democratic civilization of a modern society, it must leave behind the old way of replacing one tyrant with another. He advocates peaceful, rational and open methods to push forward the process of China's democratization.

Everyone has probably seen reported in the news the false charges lodged against Wei Jingsheng by the Chinese Government, which characterize purely philanthropic activities such as planning art exhibitions and musical performances and helping the victims of June 4th, and ordinary economic behavior like buying stocks, as evidence that he was attempting to overthrow the government.

Despite the fact that his every action was under 24-hour surveillance by the security police, he has been given such a severe sentence. Is he really trying to overthrow the government? Or is the government overthrowing the law?

Although the crude tactics of the Chinese authorities have exposed their arbitrariness, on one point they have been very careful to arrange things in the proper way. Before Wei Jingsheng was sentenced, in official newspapers and in the indictment Wei's meeting with an American official and their discussion of Most Favored Nation status for China was cited as an important element in his crime. This was the reason he enraged the top leadership. The verdict, however, did not mention this.

The next day, the government of the United States made clear that it would not take any retaliatory action against Beijing and that the possibility of linking human rights and trade had been

eliminated. Although the U.S. State Department and the White House protested the sentencing, this lack of substantive action leaves the fate of Wei Jingsheng in the hands of the Chinese Government.

This is tantamount to telling the Chinese Government that the human rights of Wei Jingsheng and the Chinese people are effectively of little importance internationally, even to the most powerful nation in the democratic world, the United States.

I am not a politician, nor a business person, and the issue of whether or not human rights and Most Favored Nation status should be linked is not something with which I am especially concerned. However, I think that if the U.S. Government had been a bit more prudent when it announced that it would link the two together, and once they were joined, not just easily eliminate the link, I think that the disaster my family has just experienced might have been avoided.

Four days after February 28th, when Wei met with the U.S. official and discussed his opinion that the Most Favored Nation status and human rights should be linked, he was taken away from Beijing by the police and put under house arrest. When the Chinese authorities saw that there was no reaction from the U.S. Government, on April 1st they kidnapped Wei Jingsheng and from that time on he disappeared completely.

The U.S. Government's response to this event was to give Most Favored Nation status to China and to announce the delinking of trade and human rights. In the wake of this U.S. Government position, western governments have rushed to Beijing to pay their respects.

Beijing just has to wave a few commercial contracts or letters of intent as the bait to get western governments competing with each other, and in this way has been able to corrode a moral standard which has always been respected in the western world: justice.

I am certainly not saying that Wei Jingsheng was arrested because he met with one person. He was arrested because he didn't say what the two governments wanted to hear at the meeting but rather followed his own conscience. And the U.S. Government's attitude following his disappearance, his formal arrest and now his sentence has really been shameful. Comparing the attitude of the United States. and other western governments toward human rights in the former Soviet Union and in eastern Europe not so long ago and the current preference for trade over human rights in China, I cannot but feel regret. Can the world really be lowering its standards and allowing money to replace justice?

Finally, I would like to say, whether or not the fate of an ordinary Chinese person is important in the eyes of the politicians, China is the only communist totalitarian state to have entered the great cycle of the world economy. If this persecution of Wei Jingsheng cannot be stopped by the international community, tomorrow those whose rights are being trampled on by the regime may not only be Wei and the thousand or so active dissidents in China, and no internationally recognized moral standards or laws will restrain the Chinese Government's actions.

Therefore, I suggest that the U.S. Government should censure China's human rights record forcefully at the United Nations and

in other international forums, and that Congress should reconsider the matter of granting Most Favored Nation status to China, linking it once again to human rights and even revoking it for 1 year next year. Since the Chinese Government uses trade as bait and a way to corrupt our ideals and principles, why can't we use trade to push the Chinese Government to improve human rights?

Before MFN was delinked from human rights, the Chinese Government was under pressure to improve human rights. So now if we reapply the pressure, maybe it will work to improve human rights in China. I am not necessarily against MFN for China but there must be some sort of substantive pressure.

Thank you all.

[The prepared statement of Ms. Wei appears in the appendix.]

Mr. SMITH. Thank you, Ms. Wei.

I really appreciate your testimony and your eloquent defense of your brother.

You know, your comment about raising this issue, the issue of your brother's new incarceration at the U.N. Commission on Human Rights and in other fora is the absolute barest minimum that this Administration can do. After making so many strong statements in favor of human rights, even accusing former President Bush of coddling dictators because of his policy vis-a-vis the People's Republic of China, to having laid down such a very clear and unambiguous marker that significant progress had to be attained in the human rights area prior to continuance of MFN, only then to shred that, is shameless.

And there is an excellent article, which you may or may not have seen, in the—yesterday's edition of the Washington Post by columnist Jim Hoagland, "How We Failed Wei Jingsheng." And without objection, it will be made a part of the record.

[The article appears in the Appendix.]

Mr. SMITH. But he points out that the White House and the State Department had paid episodic and inconsistent attention to Wei and China's other heroic campaigners for democracy, first offering rhetorical support and then showing there would be no significant White House retaliation if Beijing resumed its persecution of dissidents.

The article very clearly lays out the case, points out that, as a bottom line, that in China, the administration has constructed a failed policy around its embarrassment and arguably has made things worse for a courageous man who will one day have statues erected to him across a free China.

The very least that this Administration can do is to aggressively push a resolution at the United Nations and elsewhere, and my guess is that where some thought that the MFN linkage issue was a dead letter, especially after last year's vote, they did not look at what was going on in the cloakrooms and in the conversations that Members were having, because last year was a deferral to see if, indeed, there would be some changes.

I didn't agree with that policy because we saw things get demonstrably worse, but there are many Members who voted for tabling or deferring, who will this year look at the arrest and the sentencing of Wei as the new cause.

This Beijing dictatorship has not gotten the message. They have gotten even worse and this issue will be alive and well in 1996 and Most Favored Nation status, I will predict, will be very much of an issue, and I think it may be a close vote but there's going to be an all-out effort made in a bipartisan way.

Mr. Lantos, who unfortunately is enroute from California and could not be here, myself and others, will be raising this issue to relink human rights and trade. If we are willing to trade, as we are right now, with the dictatorship in China, doing the despicable things that they are doing to your brother and others, then why not deal with the Nazis 50 years ago. There isn't one scintilla of evidence between the two.

I think the time has come to say to our business community that you have been, however unwittingly, accomplices in the misdeeds and the atrocities of the Chinese Government. They have done nothing to stop the kinds of mistreatment and inhuman treatment meted out to Wei Jingsheng.

I would like to ask, Mr. Liu, if you would present your testimony now.

STATEMENT OF LIU QING, CHAIRMAN, HUMAN RIGHTS IN CHINA

Mr. LIU. [Through Interpreter.[1]] Respectful Chairman and ladies and gentlemen, I express my deepest gratitude to the U.S. Congress for giving me this opportunity to speak out on the renewed persecution of my friend Wei Jingsheng and the deteriorating human rights situation in China today.

On December 13th, a Chinese court sentenced Wei Jingsheng to 14 years' imprisonment. The written verdict said that Wei had corresponded with me to plan our strategy in a conspiracy to form illegal organizations to overthrow the Chinese Government. The evidence cited consisted of only one sentence, "We have the original manuscripts and copies of the correspondence between Wei Jingsheng and Liu Qing."

The verdict did not say anything about the contents of the correspondence. Nor did it offer anything concrete at all that could justify the logical leap from the existence of this correspondence to the Court's conviction on charges of sedition.

The judgment reached by the Court is groundless nonsense, a disgusting frame-up rooted entirely in false charges. I have in my possession all of the written correspondence between Wei and myself, and I remember very clearly the contents of all of our telephone conversations.

We have never plotted to overthrow the government and have never attempted to make organizational preparations to this end. In reality, our thinking has always been of precisely the opposite character: We talked that we wanted to promote democracy and human rights persistently and without compromising our principles, but always emphasized that change must come gradually through legal, reasonable, peaceful means.

There was nothing in our words or actions that could even hint that we aimed to topple the government. The one tangible product

[1]Xiao Qiong, interpreter.

of our correspondence was to transfer money donated by the international community to victims of the 1989 June 4th massacre and their families.

If the Chinese Government wants to twist this work into plotting to overthrow the government, it ought to write it more clearly right in the Chinese law books, that pursuing human rights and democracy is equivalent to sedition.

The other charges on which Wei Jingsheng was convicted are equally ludicrous. "Holding a modern art exhibition as well as music and cultural exchanges," "setting up a relief fund for June 4th victims and their families," and so on, cannot by any stretch be called conspiring to overthrow the government. On the contrary, these are examples of good, humane, socially beneficial acts.

As for, "publishing anti-government articles abroad," all of Wei's articles were reviewed by the police first and published abroad only after receiving their consent. That these articles were then used against Wei is not only preposterous, it makes one think that the police were laying a trap for Wei all along.

The persecution of Wei makes it clear that the Chinese Government does not care at all about the law. Their sole aim was to convict Wei. One can summarize the entire proceedings with the words spoken by a Chinese police officer as he drove a German reporter for the Weekly Mirror away from the courthouse during the trial. The officer said: "What do you mean, legal or illegal? Here, today, there's no law."

The conviction and the outrageous sentence of Wei Jingsheng is an extremely serious human rights violation. Ignoring the law and the indignation of the entire world, the Chinese Government blatantly imposed this harsh sentence on Wei in order to "kill the chicken to scare the monkey," to make an example of Wei and send a strong message to others in the human rights and democracy movement, since Wei is a dissident of singular stature and significance.

Before the Democracy Wall movement in 1979, Wei was the first to point out that in addition to the Four Modernizations called for by Deng Xiaoping (modernization in agriculture, defense, industry and technology), a fifth modernization was required: Democracy. Wei warned that Deng Xiaoping, who had just risen to power on the basis of great popular support, was quickly becoming a dictator.

Wei paid for his courage to speak the truth with over 14 years of his life. But as soon as he was released from prison in September 1993, he resumed his work for human rights and democracy. He was free for less than 6 months when he once again fell prey to the violent treachery of the totalitarian regime.

On April 1st, 1994, he was abducted by the police and was held in illegal incommunicado detention for almost 2 years before being formally arrested and then sentenced last week to another 14 years in prison. It is evident that the Chinese Government wants Wei to die in a jail cell. Wei's unflinching bravery in enduring this persecution, his unwavering commitment and remarkable contributions to human rights and democracy make him a key symbol of the Chinese human rights and democracy movement.

His courage and moral integrity serve as an inspiration for others to join and to keep up the fight. The Chinese Government

knows very well the importance of Wei and this is precisely why they have persecuted him so relentlessly: they want to kill the Chinese human rights and democracy movement.

However, ever since the Democracy Wall movement of 1979, China has never been without an open, organized, grass-roots effort to promote human rights and democracy. Countless people have gone to prison, lost their work, sacrificed their futures, their youth, their health.

There have been many people who, like Wei Jingsheng, have been imprisoned repeatedly but have refused to renounce their original beliefs. As soon as they are released, they rejoin the struggle. They are willing to give their lives to the struggle because they are convinced that what they are doing is for the good of the Chinese people, that it is work of the highest honor to fight for human rights.

At the same time, they are convinced that their struggle is only the way to keep atrocities such as the Cultural Revolution or the 1989 June 4th massacre from happening in China again. Never, however, have they advocated violence or revolution as weapons in the fight for human rights and democracy, for they deeply believe that the fight must be waged by peaceful, legal, rational means.

For example, in 1994, open efforts to establish organizations such as the League for the Protection of the Rights of Working People, the Independent Labor Union and the Shanghai Human Rights Association, emerged in dozens of provinces and cities, all in explicit accordance with China's laws governing organizations and freedom of speech.

The flood of open letters to Chinese leaders and the National People's Congress in 1995 appealed to the government for tolerance, for a system that would ensure that the government be held accountable to its own laws, for an end to laws which violate human rights, for compensation for victims of the June 4th massacre and their families, and so on.

But inevitably, the participants in these legal and peaceful movements met with the government's illegal, violent persecution. Wei Jingsheng's activities have always been of this same legal, peaceful nature; in fact, after his release in 1993, he took special care that all of his activities did not violate the conditions of his parole. Even so, he was not able to escape persecution, persecution that was purported to be in the name of the law.

In reality, then, the problem extends far beyond the persecution of one person. Recently, the Chinese Government's crackdown on dissenting ideas has become alarmingly severe. According to Human Rights in China's incomplete statistics, from May of this year to the time of the U.N. Fourth World Conference on Women in Beijing (late August to mid-September), there were 97 arbitrary detentions, almost 70 percent of which followed no legal procedures whatsoever. A number of prominent dissidents, such as Wang Dan, Liu Nianchun and Liu Xiaobo, have been detained incommunicado for extended periods just like Wei Jingsheng.

Just a few days ago, on December 15th, five dissidents in Zhejiang Province were detained in flagrant disregard of any legal procedure. Human Rights in China is certain that their persecution

is due to their November 27th international appeal for Wei's release.

Indeed, China's dissidents are in an extremely dangerous position, regardless of whether they are currently in jail or have not yet been jailed. In reform-through-labor camps, they meet with every kind of maltreatment. They are beaten and forced to do as much as 20 hours' heavy labor per day. If they become sick or injured, they are refused treatment or medicine.

Last month, Hu Jian, a young prisoner of conscience from Shanxi Province, died in prison as a result of such abuse. In theory, under Chinese law, political prisoners have the right to appeal and to file a suit against persecution. In fact, they are deprived of any legal protection whatsoever.

It has been reported in the press that during Wei's trial last week, his former secretary Tong Yi turned state's evidence against him. What has not been emphasized is that Tong Yi was forced to testify against Wei because she simply could not bear the torture in the labor camp.

When dissidents are released from labor camp, they have no freedom of movement and have tremendous difficulty finding work. They are subjected to incessant police harassment, threats, and surveillance, as well as arbitrary short-term detentions. Often, they are stripped of their economic rights.

Chen Ziming, for example, a so-called "black hand" of the 1989 Tiananmen movement, needs money urgently to treat his cancer and other afflictions, but the government has frozen his bank account. And the relatives of dissidents face the same kinds of persecution in all aspects of life.

In the period after the 1989 June 4th massacre, the political, economic and moral pressure of the international community had a significant impact on the Chinese Government. They were forced to abandon large-scale violent crackdowns as a weapon against dissent, and for a few years they relaxed their persecution of dissidents, even going so far as to release a number of prisoners of conscience.

The above examples of China's rapidly deteriorating human rights situation are all post-1994—that is, after the international community abandoned its political, economic and moral pressure. With the pressure off, China's intention is to push the world's capacity for tolerance to the limit, to find out if the international community's human rights standards mean anything at all.

So far, the world has not responded convincingly that they do. If the international community continues to turn a blind eye to China's flagrant human rights violations, China will continue to push. The persecution of Wei Jingsheng represents the Chinese Government's increasingly despotic attitude toward dissent. Unchecked by any substantive international pressure, China will move on to even more brazen violations of human rights.

Human Rights in China makes a strong appeal to the U.S. Government to take action on the Wei Jingsheng case. The United States has a particular moral duty to defend Wei Jingsheng. Wei's detention on April 1st, 1994 was related to his having met with U.S. Assistant Secretary of State John Shattuck, at Shattuck's request, a few days before. But throughout Wei's 20-month incommu-

nicado detention, the United States made no significant efforts to fight for his release.

Human Rights in China applauds the great efforts made to free Harry Wu and hopes that the U.S. Government will pay at least as much attention to Wei Jingsheng's plight.

As a start, Human Rights in China urges President Clinton to call personally for Wei's immediate and unconditional release. Also, the United States should suspend high-level political and trade talks with China, should cancel the upcoming Pentagon visit by the Chinese military delegation and should apply substantive economic pressure to China.

At the same time, Human Rights in China urges the U.S. Government to devote maximum energy to organizing international support for a China resolution at the U.N. Human Rights Commission in Geneva next March.

Human Rights in China is very grateful for the attention already given to Wei Jingsheng and hopes that the U.S. Government will resolve to do everything in its power to help him.

Thank you.

[The prepared statement of Mr. Liu appears in the appendix.]

Mr. SMITH. Mr. Liu, thank you very much for your eloquent testimony and your very comprehensive assessment of the situation, including a recommendation as to what could be done and should be done.

I think it is particularly egregious and offensive that a Chinese military delegation is planning to come here and the U.S. Department of Defense is planning on receiving them, when this dictatorship holds Wei and other dissidents and treats them with such impunity and cruelty. It is just astonishing how absurd that is.

Again, it is like welcoming storm troopers from the Third Reich to this country at a time when they were persecuting Jews and others in their concentration camps. I just say for the record and remind you we have had in this subcommittee extensive hearings on the Laogai and heard from six survivors earlier in the year, who survived, including Harry Wu, and Catherine Ho and others who survived the Laogai system. And to think that this horrendous gulag system of prison camps continues to flourish and expand and has new occupants in this government, the U.S. Government and others treat them as if this is not happening, again is truly astonishing.

I would like to yield to the distinguished gentleman from California, Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman.

Let me first say to Wei ShanShan and to Liu Qing, if I could, I very much appreciate the courage that you have shown in the past and that you are showing here today in terms of speaking out on behalf of human rights. One of the questions I wanted to ask Wei ShanShan was we understand that efforts were made by you to see the President and the Vice President, and these efforts did not succeed, though you were able to see the National Security Advisor Anthony Lake, and we appreciate Mr. Lake's making time for you. But do you have any idea why neither the President nor the Vice President did so?

Ms. WEI. I regret I didn't get a chance to meet President Clinton and Vice President Gore. I wrote a letter to them and am waiting to hear from them. I haven't heard from them yet, but I still hope that within a very short period I should be able to hear from them.

Mr. ROYCE. We hope so as well. We very much would like to see that meeting. Is it your view that the U.S. Government is presently doing everything it can to secure the release of your brother? And can you tell us anything about particular steps that have been taken?

Ms. WEI. I don't think the U.S. Government has done its best to help my brother. I was very, very disappointed when the spokesperson of the State Department said that U.S. trade relations with China will not be affected and the U.S. Government will not take retaliation against China because of Wei's sentence.

I felt very disappointed and sad when I read about this in the newspaper, and I hope in the reply to my letter from President Clinton and Vice President Gore they will promise to do something concrete and do their best to help my brother.

Mr. ROYCE. Thank you.

I will ask the same question of Liu Qing. You know, you made the comment, the observation, that up until—in the past you made the observation in the past there was no significant effort to fight for Wei's release. And as we look today there seems to be a widespread agreement that Beijing has stepped over the line this time. The European Parliament, for instance, has passed a resolution condemning the treatment of Wei. What prospects are there for multilateral action on this?

Mr. LIU. I strongly believe that if there is a consensus and concerted effort from the international community acting on this, on China over human rights, that will make the difference. As I recommended in my testimony before, passing a resolution which condemns China's human rights performance in the U.N. Human Rights Committee will send an effective message to the Chinese Government.

But also, in multilateral economic trade organizations or talks, if there is a clear, determined position taken by other governments against the human rights violation in China, it will have a negative impact on those meetings and this will also help the Chinese Government to get the message.

Mr. XIAO. Also, Mr. Chairman, my name is Xiao Qiang. I am the Executive Director of Human Rights in China. I have also accompanied Wei ShanShan in her visits with U.S. officials last week. I would also like to comment on your question, in particular to elaborate a little more on the importance of the United Nations and multilateral pressure in general. One analysis we can read from Wei's case about the Chinese Government was that they know the sentence caused a great international response, but they turned that, especially the U.S. response, into their own nationalistic propaganda in China. They said, look, Wei talked to a U.S. official and now the U.S. Government wants to release him. The new leadership in China wants to use this nationalistic propaganda to gain their own legitimacy of power. But any message, resolutions from the multilateral United Nations level will overcome that kind of purpose.

Thank you.

Mr. ROYCE. All right.

I will ask also, it seems that Wei's trial and sentence may be the beginning of another crackdown on other dissidents. For instance, Beijing has hinted that it may try one young pro-democracy advocate, Wang Dan, who has been implicated in Beijing in connection with the charges against Wei. If the free world does not stand up to Beijing now, will we be endangering other innocent people in China?

Mr. LIU. Yes, if the free world does not stand up to Beijing on Wei's case, there are many more Chinese human rights activists who will face a great danger. I give you an example of Wang Dan, a former student leader in Tiananmen Square, who served a 4-year sentence. His name was also mentioned in the verdict as part of a connection with Wei as a conspiracy to overthrow the government. And Wang Dan himself has been in detention, in secret incommunicado detention, since May, just like Wei's case.

So if there is not enough international pressure on Wei's case, he faces great danger. But it is not only Wang Dan. There are many, many others. Just since this May, have been scores of dissidents were arrested or detained, some of them sent to the labor camp without trial. So, in short, all of them are in danger.

Mr. XIAO. Also, I would like to add one more thing. As Liu Qing's testimony repeatedly mentions, all the actions of Wei Jingsheng and many other persecuted human rights activists were peaceful, legal and open. If this kind of speech and behavior cannot be tolerated by today's Chinese Government, and can be sentenced to 14 years, the whole movement is gone in China.

Mr. ROYCE. Yes, I will just follow up with one last question. I understand that Wei was severely beaten and suffered abuse during his prior 14 years, and you can probably share information about this, but what will Mr. Wei's prison experience most likely be like over the next 14 years if international efforts to free him do not succeed?

Ms. WEI. I am very, very concerned, as this photo shows, that when Wei was in prison before he was treated very badly. He was given very bad nutrition and was jailed by himself in a single cell without sunshine, and half a year before his release he was given special drugs to be fattened up for his release. Because of the use of that drug, he got high blood pressure.

I think he is going to be treated no better than before, so I think his condition is very urgent, and we urgently need international efforts to help him. I am very, very concerned, my family is very worried that he is not going to survive this very long, harsh sentence in jail.

Mr. ROYCE. OK, let me ask one last question, if I could, Mr. Chairman.

We sometimes hear from self-appointed experts on China and sometimes from some Americans who are doing business there that the Chinese people today are interested in economic development but not in democracy.

What do you think of that theory when you hear that theory?

Mr. LIU. In the unique political environment of China, with its high repressiveness, if you do speak out on human rights or democ-

racy, you will be imprisoned. But if not in public, in private conversations, you can hear a lot about those ideas and also the dissatisfaction, the strong dissatisfaction, with the current regime.

I will give you an example: 1989. Before 1989, you hardly heard people openly challenge the regime. But after Tiananmen Square, when the students gained the space, when there was an opportunity to speak, millions, millions of people spoke out, millions and millions of people expressed their will, their desire for freedom and democracy.

Right now, the silence is only because of the violence of the regime, the high pressure of the repressiveness. Only really brave people are willing to pay the price to speak out. But it is not like other Chinese don't want freedom or democracy. It is just that they are waiting.

Mr. SMITH. Thank you very much, Mr. Royce, for your fine questions, and the answers that were rendered.

Mr. Liu, in really looking at your testimony, as you just presented it, you pointed out, this is something I had not known, that when Wei Jingsheng had published abroad, that those articles were first reviewed by the police. I have read many of those articles. Matter of fact, the Foreign Broadcast Information Service carries an ongoing listing of those and other things, documents and statements coming out of China and everywhere else. And I read many of those statements and found them to be very, very succinct, comprehensive, noninflammatory, and very incisive, but an appeal for democracy as to why it would benefit China. Your testimony is that even though these were precleared by the police, they were nevertheless used against him at his trial?

Mr. LIU. Yes, they were precleared by police and then became evidence. I say that because of two reasons: One, I had a personal conversation on the phone with Wei at that time and he told me several times that I must give those articles to the police first to find out if I could publish this.

The second is that Wei Jingsheng's lawyers clearly said these cannot be considered evidence because they were precleared by police before.

Ms. WEI. But the judge denied it, said that there was no evidence that the police precleared them.

Mr. SMITH. Let me ask you; you also have testified, Mr. Liu, that the Chinese Government knows very well the importance of Wei and this is precisely why they have persecuted him so relentlessly—they want to kill the Chinese human rights and democracy movement.

In your expert opinion, delinking human rights from Most Favored Nation status by the Clinton administration—was that an aid? Did that help the People's Republic of China in their campaign to, "kill the human rights and democracy movement in China?"

Mr. LIU. I just want to restate those facts, that right after 1989, due to the international pressure, there are some concessions made by Chinese Government on the human rights violation, but that pressure disappeared the last 2 years, mainly since the delink, the human rights and the trade from United States, and since then there are clear deteriorations of human rights in China today.

And when I say the Government crackdown is more severe. I mean now the people who write public letters, open letters, just express their opinions publicly, can be held in legal incommunicado, detention, or even strong sentences. And that is the deterioration.

Mr. SMITH. I thank you for that, because that helps us on this subcommittee as we craft a policy and a strategy in looking forward to the Most Favored Nation status debate, which will occur, where the Administration has clearly dropped the ball.

As you pointed out, China has a rapidly deteriorating human rights situation, post 1994. So any of those who, perhaps naively, believed that human rights would improve with an increase in trade—and certainly trade has exploded between the two nations—are, at least on the short term, and I would argue on the long term as well, are being shown to be wrong. However well meaning they may have been intellectually in their argument, it has not been the case in dealing with this dictatorship.

And again, it just begs the question. This is like dealing with the Nazis. They get stronger; they become more empowered. Those dual-use capable items that can be used for the military only strengthen the dictatorship, and I think that point should not be lost as we go into 1996. This issue has been reignited with a vengeance because of Wei Jingsheng's arrest and now because of his sentencing.

I would like to ask a question to Ms. Wei, if I could. You know, one of the things that I found to be very disturbing when I was in—I have been to China now three times. During a second human rights trip, actually midway through the MFN Executive Order period, when Mr. Clinton's Executive Order was actually in place and we were supposed to be seeing significant improvement in order to continue Most Favored Nation status, I met with the U.S. Chamber of Commerce in Beijing and had a very spirited discussion with various business leaders, American business leaders who were doing business in China, and found it very unnerving to hear them say that religious freedom existed in China.

As a matter of fact, one of the people around the table actually said, "Come with me on Sunday, and you can go to a church with my secretary." And I responded, "Sure." There are some show churches, Government-sponsored churches, that exist in China. There are probably more churches in my small town of Robbinsville than there are in all of Beijing that are actually operating. But they fail to recognize that there is an underground church movement, the house church movement, and the Catholic Church that is still aligned with Rome, that is very severely persecuted, especially in light of number 144 and 145, the decrees that came down from Li Peng that have given the public security police unprecedented powers to repress the church.

There has also been a demonstrable and sad rise in the coercion in population control, with forced abortion being used with increased impunity to try to impose a one-child-per-couple policy on a reluctant populace.

I say this because the business community says to us that they provide some hope that human rights will improve in China, and yet we find that things get worse. And trade, as I said earlier, is exploding, has increased demonstrably.

It seems to me that now that the record seems to be clearer and clearer that things are getting worse, that there is a moral duty imposed upon the business community. If they are aiding and abetting a harsh dictatorship, which I believe they are, they should speak up. They should speak up loudly in every contact that they have with their counterparts, which are usually Government people in Beijing and elsewhere in China.

Ms. Wei, do you have a message for the business community on behalf of your brother?

One footnote. When I met with the Chamber of Commerce in Beijing, I asked them to meet with the dissidents. I asked them did they ever meet, and I named your brother, because I had met with him. I said, "Have you ever sat down eyeball to eyeball with any of the dissidents in China to at least garner their perspective on life in that country?" And they said no, at least the ones that were sitting around the table.

Do you have a message to the business community?

Ms. WEI. I have two points to make.

First, I think that businesses, American businessmen in China, should get the message that the persecution of Wei indicates that there is no rule of law in China, and they should realize that the consequences of their doing business now in China might be severe, because if they offend the authorities one day, they may find that their rights will be deprived and violated. And there have been many, many incidents of such violations of foreign businessmen in China, their rights.

And the second point is that people must see clearly the relationship between trade and human rights. I think those are two things; they should be separated. One example is Nazi Germany, in the 1920's, 1930's, where the economy was very, very developed and people lived in prosperity, but how did that help with the protection of human rights? No, it didn't help. It probably made it worse.

And some of the businessmen in China, they are able to do business because they bribe the authorities and they take advantage of the absence of any protection of workers. Workers have no rights to have independent unions. This is part of the proof that doing business in China may in fact prevent the improvement of human rights in China.

One thing that American business can do to help improve human rights in China is to help introduce to China the American system of workers' protection laws and workers' rights to have independent unions. In that way, they can actually say that they helped to protect human rights in China. But as far as I know so far, no enterprise doing business in China has made any efforts to do that.

Mr. SMITH. Do we know where Wei Jingsheng will be sent if his appeal, which I understand has a 14-day window, is not successful? Which gulag?

Ms. WEI. We would not know where he would be sent if the appeal is not successful.

One particular concern, about which I am very, very worried, is that in previous times my brother was jailed in a single cell by himself, incommunicado. So now they may send him to a normal criminal jail where the inmates will be encouraged to beat him, which will be very, very bad.

Mr. LIU. I spent 10 years in Chinese prison, and I know what it is like. Myself, for over 9 years I knew the hunger—I never had enough food to eat—and the torture. I still have the scars on my body from all the different kinds of tortures they did to me. And my weight, normally about 62 kilograms, was reduced in prison to 35 kilograms.

And because I refused to admit I made a mistake, to confess to them, for 4 years they forced me to sit on a stool, not allowed to speak a word. For 4 years I couldn't speak a word. If I did, they made other inmates beat me up. So for a while, when I opened my mouth, I couldn't make any voice come out.

Many other political prisoners went through similar cruel experiences, including Wei Jingsheng. Now he has high blood pressure and heart disease and many other ailments, and I am extremely concerned whether he can survive another 14 years in prison.

Mr. SMITH. Thank you, Mr. Liu. I have no further questions.

If there is anything further any of you would like to say, I do thank you again for your fine testimony and your witness on behalf of your brother, Ms. Wei.

Any further questions or comments?

Ms. WEI. I still hope that the U.S. Congress will gather enough votes to pressure the Administration to take this matter very seriously, to do something for my brother.

Mr. LIU. We are moved and deeply appreciate the effort of the U.S. Congress, which passed a resolution on Wei Jingsheng's case.

The United States is a democratic country. The Congress has power, real power, and I hope that the U.S. Congress will continue to push—to pressure the U.S. administration to take real, effective measures to stop the persecution on Wei Jingsheng.

Ms. WEI. I have been very moved during my visit to the United States; I have felt a lot of support and sympathy from American people, including taxi drivers. I hope that the U.S. Congress and the Administration will take action on this desire of the American people to do something. I also deeply appreciate Congress' resolution and the hearing today—this kind of Democratic system is exactly what my brother hopes to bring to China one day.

Mr. SMITH. I look forward to the day when I and especially you will be with him again.

I can assure you as well that in a bipartisan way the efforts on behalf of your brother and the larger effort of trying to promote democratization and human rights in China will accelerate, not decelerate, that the Most Favored Nation status fight will be more vigorous in the coming year than perhaps ever, because I think the hopes of some, however well meaning, have been dashed in thinking that increased trade would lead automatically to liberalization and a more permissive attitude toward human rights.

Just the opposite has occurred, and I know I will be one of those out there in front, pushing hard for relinking most favored trading status and human rights. It was shameful that they were delinked by this President, and it will be a major, major issue in 1996.

Thank you very much.

[Whereupon, at 3:59 p.m., the subcommittee was adjourned to reconvene subject to the call of the Chair.]

APPENDIX

Statement at the Hearing on the Case of Wei Jingsheng Held by the United States House of Representatives' International Relations Committee's Subcommittee on Human Rights and International Organizations

Wei ShanShan
Washington, D C
December 18, 1995

Respected Mr Chairman and all Subcommittee members

My name is Wei ShanShan, and I currently live in Hamburg, Germany I am very grateful to the Subcommittee for giving me this opportunity to testify, and I also wish to thank the Congress for passing resolutions about my elder brother, Wei Jingsheng.

On December 13, the Chinese government sentenced my brother to 14 years in prison for the "counterrevolutionary" crime of "plotting to overthrow the government " My other brother and my sister attended the trial and I have learned from telephone conversations with them that Wei Jingsheng's health has been wrecked by prison life. While he was defending himself in court, the hearing had to recess for 40 minutes while he took medicine and rested Since 1979, my brother has spent 16 years in prison In 1979 in Banbuqiao Detention Center (where Wei is currently being held), he was beaten by fellow inmates on the orders of the police and lost two teeth as a result. He did not get any proper medical treatment after the beating. Whenever I went to visit him, I would be trembling inside. But in those unimaginably terrible living conditions he was still cheerful, as in this picture here; even when he was emaciated, all skin and bone, even when he had only a few teeth left, he was still smiling Sixteen years in prison has ruined his health, he has a heart condition and before he was released in 1993 the authorities gave him drugs to fatten him up which caused him to suffer from high blood pressure as well. His health condition is now very serious and his family is very concerned about whether he can survive a long, harsh prison term.

I grew up in Beijing with Wei Jingsheng. I know that everything he has done has been in order to change the rotten and dark things in China This ideal was born in 1967, when because he participated in the production of a small newspaper of a political character during the Cultural Revolution he was detained for three months After that he had to hide in the countryside to avoid further persecution and there he saw the poverty and hardship in the life of the majority of the peasants at the lowest level of society, as well as many kinds of brutality and darkness in Chinese

society These experiences raised doubts about communist theory in his mind He began to think constantly about how to change this unjust society That year he was only 17 Twelve years later, when Chinese society began to discuss the lessons of the Cultural Revolution, when people were hoping for a leader of the nation who would be a bit better than Mao Zedong, in his writings Wei Jingsheng called for the implementation of a democratic politics, since he believed that the disasters which had happened to Chinese people since 1949 had been created by autocratic rule Because of this he was sentenced to 15 years in prison by dictator Deng Xiaoping who had just achieved power After he got out of prison in September 1993, he still maintained his democratic ideals and continued to call for the authorities to implement political reform and to protect human rights When I went home to see him in October 1993, I found that he was using the money he earned from writing and from his awards to help a number of the victims of the June 4, 1989, Beijing Massacre

My brother has always opposed violent activities and secret organizations, he believes that if China is to achieve the democratic civilization of a modern society, it must leave behind the old way of replacing one tyrant with another He advocates peaceful, rational and open methods to push forward the process of China's democratization Everyone has probably seen reported in the news the false charges lodged against Wei Jingsheng by the Chinese government, which characterize purely philanthropic activities such as planning art exhibitions and musical performances and helping the victims of June 4 and ordinary economic behavior like buying stocks as evidence that he was attempting to overthrow the government. Despite the fact that his every action was under 24 hour surveillance by the security police, he has been given such a severe sentence. Is he really trying to overthrow the government? Or is the government overthrowing the law?

Although the crude tactics of the Chinese authorities have exposed their arbitrariness, on one point they have been very careful to arrange things in the proper way Before Wei Jingsheng was sentenced, in official newspapers and in the indictment Wei's meeting with an American official and their discussion of Most-Favored Nation status for China was cited as an important element in his "crime " This was the reason he enraged the top leadership However, the verdict did not mention this The next day, the government of the United States made clear that it would not take any retaliatory action against Beijing and that the possibility of linking human rights and trade had been eliminated. Although the U.S State Department and White House protested against the sentencing, this lack of action leaves the fate of Wei Jingsheng in the hands of the Chinese government This is tantamount to telling the Chinese government that the human rights of Wei Jingsheng and the Chinese people are effectively of little international importance, even in the most powerful nation in the democratic world, the United States

I am not a politician or a business person, and the issue of whether or not human rights and Most-Favored Nation status should be linked is not something I am concerned with However, I think that if the U.S government had been a bit more prudent when it announced that it would link the two together and once they were joined not just easily eliminate the link, I think that the disaster my family has just experienced might have been avoided. Four days after

February 28, when Wei met with the U.S official and discussed his opinion that Most-Favored Nation status and human rights should be linked, he was taken away from Beijing by the police and put under house arrest. When the Chinese authorities saw that there was no reaction from the U.S government, on April 1 they kidnapped Wei Jingsheng and from that time on he disappeared completely The U.S government's response to this event was to give Most-Favored Nation status to China, and to announce the delinking of trade and human rights In the wake of this U.S government position, Western governments have rushed to Beijing to pay their respects Beijing just has to wave a few commercial contracts or letters of intent as bait to get Western governments competing with each other, and in this way has been able to corrode a moral standard which has always been respected in the Western world justice

I am certainly not saying that Wei Jingsheng was arrested because he met with some person, he was arrested because he didn't say what the two governments wanted to hear at the meeting but followed his conscience And the U S government's attitude following his disappearance, his formal arrest and now his sentence has really been shameful Comparing the attitude of the United States and other Western governments towards human rights in the former Soviet Union and in Eastern Europe not so long ago and the current preference for trade over human rights in China, I cannot but feel regret. Can the world really be lowering its standards and allowing money to replace justice?

Finally I would like to say, whether or not the fate of an ordinary Chinese person is important in the eyes of politicians, China is the only communist totalitarian state to have entered the great cycle of the world economy. If this persecution of Wei Jingsheng cannot be stopped by the international community, tomorrow those whose rights are being trampled on by the regime may not only be Wei and the thousand or so active dissidents in China, and no internationally-recognized moral standards or laws will restrain the Chinese government's actions Therefore I suggest that the U.S. government should censure China's human rights record forcefully at the United Nations and in other international fora and the Congress should reconsider the matter of granting of Most-Favored Nation status to China, linking it once again to human rights, and even revoking it for one year next year. Since the Chinese government uses trade as a bait and a way to corrupt our ideals and principles, why can't we use trade to push the Chinese government to improve human rights?

HUMAN RIGHTS IN CHINA

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Testimony at the House Committee on International Relations, Subcommittee on International Organizations and Human Rights

Liu Qing, Chair, Human Rights in China
Washington, D C 18 December 1995

Mr Chairman and Members of the Subcommittee,

I express my deepest gratitude to the U S Congress for giving me this opportunity to speak out on the renewed persecution of my friend Wei Jingsheng and the dire human rights situation in China today

On December 13 a Chinese court sentenced Wei Jingsheng to 14 years' imprisonment, the written verdict said that Wei had corresponded with me to plan our strategy in a conspiracy to form -illegal organizations to overthrow the government The evidence cited consisted of only one sentence "We have the original manuscripts and copies of the correspondence between Wei Jingsheng and Liu Qing " The verdict did not say anything about the contents of the correspondence nor did it offer anything concrete at all that could justify the logical leap from the existence of this correspondence to the court's conviction on charges of sedition

The judgement reached by the court is groundless nonsense, a disgusting frame-up rooted entirely in false charges I have in my possession all of the written correspondence between Wei and myself, and I remember very clearly the contents of all of our telephone conversations We have never plotted to overthrow the government and have never attempted to make organizational preparations to this end In reality, our thinking has always been of precisely the opposite character we talked that we wanted to promote democracy and human rights persistently and without compromising our principles, but always emphasized that change must come gradually through legal, reasonable, peaceful means There was nothing in our words or actions that could even hint that we aimed to topple the government The one tangible product of our correspondence was to transfer money donated by the international community to victims of the 1989 June Fourth massacre and their families If the government wants to twist this work into "plotting to overthrow the government," it ought to write it more clearly right in the law books pursuing human rights and democracy is equivalent to sedition

The other charges on which Wei Jingsheng was convicted are equally ludicrous "Holding a modern art exhibition as well as music and culture exchanges," "setting up a relief fund for June

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Fourth victims and their families" and so on, cannot by any stretch be called conspiring to overthrow the government. On the contrary, these are examples of good, humane, socially beneficial acts As for "publishing anti-government articles abroad," all of Wei's articles were reviewed by the police first, and published abroad only after receiving their consent. That these articles were then used against Wei is not only preposterous, it makes one think that the police were laying a trap for Wei all along. The persecution of Wei makes it clear that the Chinese government does not care at all about the law Their sole aim was to convict Wei One can summarize the entire proceedings with the words spoken by a Chinese police officer as he drove a German reporter for the Weekly Mirror away from the courthouse during the trial "What do you mean, legal or illegal? Here, today, there is no law "

The conviction and outrageous sentence of Wei Jingsheng is an extremely serious human rights violation Ignoring the law and the indignation of the entire world, the Chinese government brazenly imposed this harsh sentence on Wei in order to "kill the chicken to scare the monkey," to make an example of Wei and send a strong message to others in the human rights and democracy movement, since Wei is a dissident of singular stature and significance Before the Democracy Wall movement in 1978-9, Wei was the first to point out that in addition to the "Four Modernizations" called for by Deng Xiaoping (modernization in agriculture, defense, industry, and technology), a fifth modernization was required democracy Wei warned that Deng Xiaoping, who had just risen to power on the basis of great popular support, was quickly becoming a dictator Wei paid for his courage to speak the truth with over 14 years of his life But as soon as he was released from prison in September 1993 he resumed his work for human rights and democracy He was free for less than six months when he once again fell prey to the violent treachery of the totalitarian regime On April 1, 1994 he was abducted by the police and was held in illegal incommunicado detention for almost 2 years before being formally arrested and then sentenced last week to another 14 years in prison It is evident that the Chinese government wants Wei to die in a jail cell. Wei's unflinching bravery in enduring this persecution, his unwavering commitment and remarkable contributions to human rights and democracy make him the key symbol of the Chinese human rights and democracy movement His courage and moral integrity serve as an inspiration for others to join and keep up the fight. The Chinese government knows very well the importance of Wei, and this is precisely why they have persecuted him so relentlessly· they want to kill the Chinese human rights and democracy movement

However, ever since the Democracy Wall movement at the end of 1978, China has never been without an open, organized, grassroots struggle for human rights and democracy Countless people have gone to prison, lost their work, sacrificed their futures, their youth, their health. There have been many people who, like Wei Jingsheng, have been imprisoned repeatedly but have refused to renounce their original beliefs as soon as they are released they rejoin the struggle. They are willing to give their lives to the struggle because they are convinced that what they are doing is for the good of the Chinese people, that it is work of the highest honor to fight for human rights. At the same time they are convinced that their struggle is the only way to keep atrocities such as the Cultural Revolution or the 1989 June Fourth massacre from happening to China again. Never, however, have they advocated violence or revolution as weapons in the fight for human

rights and democracy, for they deeply believe that the fight must be waged by peaceful, legal, rational means For example, in 1994, open efforts to establish organizations such as the League for the Protection of the Rights of Working People, the Independent Labor Union and the Shanghai Human Rights Association, emerged in dozens of provinces and cities, all in explicit accordance with China's laws governing organizations and freedom of speech The flood of open letters to Chinese leaders and the National People's Congress in 1995 appealed to the government for tolerance, for a system that would ensure that the government be held accountable to its own laws, for an end to laws which violate human rights, for compensation for victims of the June Fourth massacre and their families, and so on But inevitably, the participants in these legal and peaceful movements met with the government's illegal, violent persecution. Wei Jingsheng's activities have always been of this same legal, peaceful nature, in fact, after his release in 1993, he took special care that all of his activities did not violate the conditions of his parole Even so, he was not able to escape persecution, persecution that was purported to be in the name of the law

In reality, then, the problem extends far beyond the persecution of one person Recently the Chinese government's crackdown on dissenting ideas has become alarmingly severe According to Human Rights in China's incomplete statistics, from May of this year to the time of the UN Fourth World Conference on Women in Beijing (late August-mid September), there were 97 arbitrary detentions, almost 70% of which followed no legal procedures whatsoever A number of prominent dissidents, such as Wang Dan, Liu Nianchun, and Liu Xiaobo, have been detained incommunicado for extended periods Just a few days ago, on December 15, five dissidents in Zhejiang province were detained in flagrant disregard of any legal procedure, Human Rights in China is certain that their persecution is due their November 27 international appeal for Wei's release.

Indeed, China's dissidents are in an extremely dangerous position, regardless of whether they are currently in jail or have not yet been jailed In reform-through-labor camps they meet with every kind of maltreatment. They are beaten and forced to do as much as 20 hours' heavy labor per day If they become sick or injured they are refused treatment or medicine Last month, Hu Jian, a young prisoner of conscience from Shanxi province, died in prison as the result of such abuse In theory, under Chinese law, political prisoners have the right to appeal and to file suit against persecution, in fact, they are deprived of any legal protection whatsoever It has been reported in the press that during Wei's trial last week, his former secretary Tong Yi turned state's evidence against him, what has not been emphasized is that Tong Yi was forced to testify against Wei because she simply could not bear the torture in the labor camp

When dissidents are released from labor camp, they have no freedom of movement and have tremendous difficulty finding work They are subjected to incessant police harassment, threats, and surveillance, as well as arbitrary short-term detentions Often they are stripped of their economic rights Chen Ziming, for example, a so-called "black hand" of 1989 Tiananmen movement, needs money urgently to treat his cancer and other afflictions, but the government has frozen his bank account. The relatives of dissidents face the same kinds of persecution in all aspects of life.

In the period after the 1989 June Fourth massacre, the political, economic and moral pressure of the international community had a significant impact on the Chinese government they were forced to abandon large-scale violent crackdowns as a weapon against dissent, and for a few years they relaxed their persecution of dissidents, even going so far as to release a number of prisoners of conscience. The above examples of China's rapidly deteriorating human rights situation are all post-1994--that is, after the international community abandoned its political, economic, and moral pressure With the pressure off, China's intention is to push the world's capacity for tolerance to the limit, to find out if the international community's human rights standards mean anything at all So far the world has not responded convincingly that they do If the international community continues to turn a blind eye to China's flagrant human rights violations, China will continue to push The persecution of Wei Jingsheng represents the Chinese government's increasing despotic attitude toward dissent. Unchecked by any substantive international pressure, China will move on to even more brazen violations of human rights

The United States has a particular moral duty to defend Wei Jingsheng Wei's detention on April 1, 1994 was partly related to his having met with U.S Assistant Secretary of State John Shattuck, at Shattuck's request, a few days before. But throughout Wei's 20-month incommunicado detention the United States made no significant efforts to fight for his release Human Rights in China applauds the great efforts made to free Harry Wu and hopes that the United States government will pay at least as much attention to Wei Jingsheng's plight

As a start, Human Rights in China urges President Clinton to personally call for Wei's immediate and unconditional release; also, the United States should suspend high-level political and trade talks with China, to cancel the upcoming Pentagon visit by the Chinese military delegation, and to apply substantive economic pressure to China At the same time, Human Rights in China urges the United States government to devote maximum energy to organizing international support for a China resolution at the U.N Human Rights Commission in Geneva next March

Human Rights in China is very grateful for the attention already given to Wei Jingsheng and hopes that the U.S government will resolve to do everything in its power to help him.

Thank you.

The Washington Post

Sunday, December 17, 1995

Jim Hoagland

How We Failed Wei Jingsheng

Physicians promise as their first duty to do no harm. The brutal prison sentence handed down against Wei Jingsheng, the world's leading political dissident, demonstrates that the Clinton administration needs to follow that oath in dealing with human rights activists in China.

The White House and the State Department have paid episodic and inconsistent attention to Wei and China's other heroic campaigners for democracy, first offering rhetorical support and then showing there would be no significant White House retaliation if Beijing resumed its persecution of dissidents.

That pattern has done harm. It contributed to the Communist gerontocracy's harsh treatment of Wei, sentenced last week to 14 years in prison for calling for democracy in China. At 45, Wei has already spent 15 years in jail and is in poor health. It is not clear that the former electrician, who was a founder of the Democracy Wall movement in China, will survive this imprisonment.

Wei has become to China's democrats what Alexander Solzhenitsyn and Andrei Sakharov were to Soviet dissidents: the living symbol of a movement's hope and courage. But Western governments and international organizations such as the Nobel Peace Prize Committee have not offered Wei the same recognition and support that was given the Russian ideological chain breakers.

Worse, the Clinton administration has pursued a two-track, two-level policy toward China that has effectively nullified itself. America's bad cop, in the modest person of Assistant Secretary of State for Human Rights John Shattuck, goes about his beat unarmed. The good cops, President Clinton and Commerce Secretary Ron Brown, distribute benefits to the Chinese dictators that implicitly tell them to pay no attention to Shattuck's rude remarks.

Six months after he was released from prison in September 1993—when China was bidding unsuccessfully to host the Olympic Games in 2000—Wei met with Shattuck in Beijing for a discussion of human rights. Shattuck flew back to Washington while Beijing denounced Wei anew as a "criminal" and seven carloads of policemen descended to arrest Wei on April 1, 1994.

REUTER

Wei's name was on a list of four Chinese dissidents that President Clinton gave Chinese President Jiang Zemin in New York this October. Jiang took the political prestige Clinton awarded him with the meeting and then seems to have lost the list of those for whom the United States sought clemency. The U.S. president made no public mention of Wei in the months that led up to the one-day trial and harsh sentencing of Wei last week.

Shattuck is no doubt a good man in a difficult situation. He clearly meant Wei no harm. There is nothing intrinsically wrong about the meeting he had with Wei, which in other circumstances might have offered a persecuted dissident visibility and protection.

But the circumstances had been shaped not by a consistent American policy that might have deterred Beijing from new persecution. The circumstances were shaped instead by the "comprehensive engagement" championed by the State Department's top Asia hand, Assistant Secretary Winston Lord, and by Ron Brown at Commerce. The administration's actions of upgrading official contacts and avidly pursuing business contracts told Beijing that China was too important for the president to get involved in Wei's case with more than a few dismissible words.

A broader point surfaces in this case: Despite Clinton's 1992 campaign shots at George Bush for coddling dictators in Beijing and elsewhere, this administration has treated human rights not as a cause but as a bureaucratic responsibility. Shattuck is useful not because he is challenging dictators around the world, but because he can be saddled with the responsibility for taking on cases too tough for the president or for the "action" officers at State.

Consider how Richard Holbrooke handled not being able to punish human rights violators in Bosnia through the Dayton peace accord he negotiated. When reporters or Congress pressed him on this during the difficult negotiations, Holbrooke consistently deflected the questions by citing Shattuck's frequent visits to Bosnia and his statements there as evidence of the administration's moral concern. The effect was to insulate the Dayton diplomacy with the well-intentioned but largely ineffective quest for justice by the department's human rights bureau.

Since Jimmy Carter, Democrats have been more reluctant than Republicans to own up to the necessarily selective nature of any human rights policy for a global power. In China the administration has constructed a failed policy around its embarrassment, and arguably made things worse for a courageous man who will one day have statues erected to him across a free China.

26

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Statement to the International Operations and Human Rights Subcommittee
House Committee on International Relations
December 18, 1995

U.S-China Policy and Wei Jingsheng

The Clinton Administration's response to the trial and sentencing of pro-democracy activist Wei Jingsheng is a test of U.S. willingness to exert serious political and economic pressure to improve human rights in China and Tibet. Thus far, with the exception of its guarded comments about the World Trade Organization, the Administration has failed to take the kind of actions that Beijing cannot afford to ignore -- despite the eloquent pleas for help from Wei Jingsheng's sister, Wei Shanshan. These are our recommendations for action:

President Clinton should publicly condemn Wei's conviction on charges of "conspiring to subvert the government," and his outrageous fourteen years sentence. The White House did issue a strong statement the day the verdict was announced, calling for Wei's release. But the President himself has yet to utter a word about the case. The President's continued silence may be misread in Beijing. In addition to responding publicly, it is crucial that the President personally intervene with Chinese President Jiang Zemin, via letter or phone call, to urge Wei's immediate and unconditional release.

The silence from the Vice-President's office is also deeply disappointing, in light of the fact that Vice-President Gore met with President Jiang Zemin in Osaka, Japan on November 19, just days before Wei's indictment on November 21. The Vice-President has a special opportunity and moral obligation to speak out on Wei's behalf, and we hope he will do so as a matter of both conviction and Administration policy.

Secondly, the Administration should immediately launch a full-scale, high-level effort to sponsor and pass a resolution at the United Nations Human Rights Commission in Geneva next March. Such a resolution should censure Beijing for the continuing, wide-scale violations of internationally-recognized human rights norms throughout China and Tibet. Assistant Secretary of State for

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Democracy, Labor and Human Rights should be dispatched to Brussels to begin consultations with the European Union on both the text and a strategy for a resolution. The European Union issued a declaration on December 15, 1995, declaring that it "deeply deplores" Wei's lengthy incommunicado detention and the fourteen year sentence, and "demands that this emblematic champion of human rights is promptly freed without conditions." But translating these words into action at Geneva will require energetic leadership from the U.S. and the active involvement of other key governments such as Japan.

Thirdly, the Administration should put all political and trade talks with China on hold, including talks related to China's bid to become a member of the World Trade Organization (WTO). The stories in the press last week hinting that the U.S. position on WTO would be linked, at least in part, to China's human rights performance indicate that at least some in Administration believe that this kind of trade/human rights linkage is both appropriate and potentially effective. But the Administration should send this signal clearly and unambiguously by spelling out its position in a statement issued by Mickey Kantor, the U.S. Trade Representative.

Finally, the Administration should use its substantial clout at the World Bank and the Export-Import Bank to suspend all non-basic human needs loans to China. By acting early and intervening with staff management, the U.S. can prevent loans to China from coming up for consideration by the World Bank's board of directors. Beijing continues to receive more funds from the Bank than any other government -- $2.9 billion in the fiscal year ending June 1995. In addition, this week the Export-Import Bank is due to decide whether or not to provide financing for the controversial Three Gorges Dam project, a project of immense symbolic and political importance to Beijing. Human Rights Watch/Asia issued a report in February 1995 documenting the serious human rights abuses associated with the project. If the Administration is interested in speaking with one voice, and avoiding the kinds of contradictory actions that characterized its MFN policy, the Ex-Im Bank should put on hold consideration of any export credits to China for Three Gorges or other projects.

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